

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23022 of 2017

Arising Out of PS.Case No. -759 Year- 2011 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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Md. Subed Ali, son of Md. Musa, R/o Village- Rampur Milik, P.S.- K.
Nagar, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Maryam Khatoon, daughter of Md. Sajiruddin, R/o Kothighat,
Rampur, P.S.- K. Nagar, District- Purnea.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Bidhu Ranjan, Advocate

For the Opposite Party/s : Smt. Sucheta Yadav, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

6 08-09-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with
C. A. No. 759 of 2011 for offence under Sections 376,313 and 315
of the Indian Penal Code.

The accusation is that the petitioner committed rape
with the complainant on assurance to perform marriage with her.
Later on petitioner used her sexually in which she conceived
pregnancy. When the complainant told to petitioner about
pregnancy then he asked to abort the pregnancy. Later on
petitioner refused to marry with her.

Learned counsel appearing on behalf of the petitioner



submits that the '*Nikah*' of the petitioner was performed with the complainant and later on the petitioner divorced her. Further, submission is that the complainant O.P. no. 2 had also lodged a Matrimonial Maintenance Case vide Case No. 177 of 2012 in which both parties compromised and decided to live separate and accordingly maintenance case was disposed of.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea in connection with C. A. Case No. 759 of 2011 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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